

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 20, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS WILLIAM SINCLAIR

RICHEY,

Plaintiff,

v.

B. DUNCAN, DONNA BYRNES, and J.

FUNNEMARK,

Defendants.

No. 2:23-CV-00050-SAB

**ORDER DENYING MOTION
FOR PRELIMINARY
INJUNCTION**

Before the Court is Plaintiff's Motion for Preliminary Injunction, ECF No. 38. The motion was heard without oral argument. Plaintiff, an inmate at Airway Heights Correctional Center, is representing himself in this matter. Defendants are represented by Aaron Williams and Alicia Mac.

On July 26, 2023, the Court ordered the service of Plaintiff's Second Amended Complaint ("SAC"). ECF No. 15. In his SAC, Plaintiff alleges that Defendants have infringed and punished him for the language he has used in written grievances. Defendants answered the SAC on September 24, 2023.

On October 3, 2023, Plaintiff filed a Motion for Summary Judgment. ECF No. 24. The motion is noted for hearing on April 14, 2024.

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION ~1

1 On November 13, 2023, Plaintiff filed a Motion for Preliminary Injunction
2 and/or Temporary Restraining Order. It appears the relief he was seeking is for the
3 Court to preclude Defendants from continuing to take adverse actions against
4 Plaintiff for engaging in protected First Amendment conduct.

5 “A preliminary injunction is an extraordinary remedy never awarded as of
6 right. *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021) (citation omitted).
7 Under the Prison Litigation Reform Act, preliminary injunctive relief must be
8 narrowly drawn, extend no further than necessary to correct the harm the court
9 finds requires preliminary relief and be the least intrusive means necessary to
10 correct that harm. 18 U.S.C. § 3626(a)(1). The Court must give substantial weight
11 to any adverse impact on public safety or the operation of a criminal justice system
12 cause by the relief. *Id.*

13 Relying on its inherent authority to manage its docket, the Court declines to
14 rule on Plaintiff’s Motion for Preliminary Injunction at this stage of the
15 proceeding, given the pending Motion for Summary Judgment that was filed prior
16 to Plaintiff’s current Motion. *See Dietz v. Bouldin*, 579 U.S. 40, 45 (2016)
17 (recognizing that district courts possess inherent power that are “governed not by
18 rule or statute but by the control necessarily vested in courts to manage their own
19 affairs so as to achieve the orderly and expeditious disposition of cases.”) The
20 preliminary injunction asks only for injunctive relief. In his Second Amended
21 Complaint, Plaintiff is seeking compensatory and punitive as well as declaratory
22 and other relief as required. It will be more efficient and expedient to resolve the
23 case through the summary judgment motion process rather than proceed in a
24 piecemeal manner by first reviewing this case under the preliminary injunction
25 standard.¹

26
27 ¹To obtain a preliminary injunction, Plaintiff must show that he is likely to succeed
28 on the merits, he is likely to suffer irreparable harm in the absence of preliminary

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Preliminary Injunction, ECF No. 38, is **DENIED**.
IT IS SO ORDERED. The Clerk of Court is directed to enter this Order
and forward a copy to Plaintiff and counsel.

DATED this 20th day of December 2023.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge

relief, the balance of equities tips in his favor, and an injunction is in the public
interest. *Porretti*, 11 F.4th at 1047. Where the government opposes a preliminary
injunction, the third and fourth factors merge into one inquiry. *Id.*